

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL B. REED,

Petitioner,

Case No: 07-10719
HON. AVERN COHN

v.

ANDREW JACKSON,

Respondent.

/

ORDER DENYING MOTION FOR RECONSIDERATION

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Michael B. Reed (“Petitioner”) filed a pro se petition for writ of habeas corpus raising claims of ineffective assistance of counsel and sufficiency of the evidence. The Court denied the petition.

See Memorandum and Order Denying Petition for Writ of Habeas Corpus and Denying Certificate of Appealability, filed March 31, 2010.

Before the Court is Petitioner’s motion for reconsideration. For the reasons that follow, the motion will be denied.

II.

Motions for reconsideration are governed by E.D. Mich LR 7.1(h) which provides in relevant part:

Generally, and without restricting the court’s discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the

court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3).

Petitioner fails to satisfy this standard. Petitioner raised several claims, all of which the Court considered and rejected. In his motion, Petitioner in particular points to his claim that he was arrested without a warrant as a basis for reconsideration. As explained in the Court's March 31, 2010 order, warrantless arrests are constitutional provided there is probable cause and there was probable cause to arrest Petitioner. Petitioner has not demonstrated that the Court's conclusion was in error. Accordingly, Petitioner's motion for reconsideration is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 20, 2010

I hereby certify that a copy of the foregoing document was mailed to Michael Reed, 323335, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880 and the attorneys of record on this date, April 20, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160